

REMARKS

Claims 1-29 were filed in the original application, and stand rejected. By the present amendment, claims 1, 17-20, 22 and 28 are amended, without prejudice. Upon entry of this Amendment, claims 1-29 will be pending, of which claims 1, 17-20, 22 and 28 are independent, and are presented for reconsideration. Applicants submit that no new matter is introduced by the amendments, and that claims 1-29 are in condition for allowance.

Amendments to the Claims

Independent claims 1, 17-20 and 22 are amended to recite that the second capillary is disposed partially within the first capillary, not within the second capillary as originally worded; i.e., these amendments correct a wording error repeated in each of these claims. This amendment is supported throughout the application, as filed. For example, see original claim 28.

Independent claims 1 and 22 are amended to recite that a stationary phase is packed in the first capillary, and independent claim 28 is amended to recite packing of the first capillary with a predetermined stationary material. Independent claims 17-20 are amended to recite that the stationary phase is disposed in the first capillary. Support for these amendments can be found, for example, in the Specification on page 2/lines 22-23, in FIG. 1 and the related description beginning on page 4/line 10, and on page 11/lines 4-5.

Accordingly, Applicants submit that no new matter is introduced by the above amendments.

Rejection of Claims 1, 17-20, 22 and 28 Under 35 U.S.C. § 112

Claims 1, 17-20, 22 and 28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office action asserts that there is insufficient antecedent basis for the limitation of “wherein said second capillary is disposed partially within said second capillary.”

Applicants respectfully submit that the amendments to the claims correct the wording error regarding first and second capillaries. Therefore, Applicants respectfully request reconsideration of the rejection of claims 1, 17-20, 22 and 28 under 35 U.S.C. § 112.

Rejection of Claims 1-6 and 12-29 Under 35 U.S.C. § 102(b)

Claims 1-6 and 12-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Pub. No. US2002-0150551 to Wiktor ("Wiktor"). Applicants respectfully submit, however, that Wiktor does not anticipate any one of independent claims 1, 17-20, 22 and 28, as amended, because Wiktor does not teach, or suggest, disposing a stationary-phase packing material in a first capillary that is attached to a second capillary. Several reasons support this conclusion, as described next.

Independent claims 1 and 22, as amended, recite that a stationary phase is packed in the first capillary, and independent claim 28, as amended, recites packing of the first capillary with a predetermined stationary material. Claims 17-20, as amended, each recite that the stationary phase is packed in the first capillary. In contrast to the features recited by each of the independent claims, Wiktor does is silent about stationary phases, and, in particular, does not teach use of a stationary-phase packing with first and second capillaries.

In contrast to the subject matter of claims 1, 17-20, 22 and 28, Wiktor is primarily directed to apparatus and methods "for protecting pipetting devices." See Wiktor, paragraph [0002]. Wiktor teaches a "protective housing for a glass capillary tube [that] is achieved by bonding the glass capillary tube to the inside of a rigid tube." See Wiktor, paragraph [0014]. In particular, Wiktor is directed at an improved piezoelectric pipetting device. See Wiktor, paragraph [0015] (stating that, "[s]pecifically, the present invention provides a compact, rugged package for a piezoelectric pipetting device.")

Wiktor teaches nothing about packing materials, and provides no reason to use a packing material in combination with the disclosed devices. Regarding electrospray and chromatography, in background information, Wiktor merely mentions that glass capillaries are used for electrospray applications, and that coated fused silica capillaries are used to transport fluid in capillary electrophoresis and capillary chromatography. See Wiktor, paragraph [0006]. In the only other mention of electrospray, Wiktor states that "the protected glass tube with a nozzle formed on its end depicted in FIG. 12 has applications for electrospray and piezoelectric drop-on-demand ink-jet print heads." See Wiktor, paragraph [0077]. Again, however, there is no

teaching of - or hint of an advantage to - use of a packing material with any embodiment taught by Wiktor. Indeed, use of a packing material would probably be counter to the piezoelectric applications taught by Wiktor.

For the above reasons, Applicants respectfully submit that Wiktor does not teach all of the features recited by each of independent claims 1, 17-20, 22 and 28 nor of dependent claims 2-6, 12-16, 21, 23-27 and 29. In light of the foregoing, Applicants respectfully request reconsideration of the rejection of claims 1-6 and 12-29 under 35 U.S.C. § 102(b).

Rejection of Claims 7-11 Under 35 U.S.C. § 103(a)

Claims 7-11 are rejected under 35 U.S.C. § 103(a) over Wiktor. Applicants respectfully submit that claims 7-11, which depend from independent claim 1, are non-obvious in view of Wiktor for the same reasons described above for claim 1. Accordingly, Applicants respectfully request reconsideration of the rejection of claims 7-11 under 35 U.S.C. § 103(a).

Conclusion

In view of the amendments and arguments presented herein, Applicants respectfully request that the rejection of claims 1-29, as amended, be reconsidered. The Examiner is invited to call the undersigned, if the Examiner believes that a telephone conversation could be helpful in expediting prosecution of the instant application.

Respectfully submitted,

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